

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name: Jefferson County
Proposed: Amending their current easement of McCarty Creek Road
Implementation Date: Spring 2014
Proponent: Jefferson County
Location: Township 6N, Range 4W, Section 36
County: Jefferson County, MT

I. TYPE AND PURPOSE OF ACTION

In 2001 Jefferson County was granted an easement for a county road across section 36. The easement was granted in order to address issues that had arisen because of intensified public use to access Forest Service Lands east of the State Section. The easement accesses a Forest Service Trailhead parking area on the east side of the State Section. The current easement traverses the State Section west to east across the northern quarter of the section. DNRC leases this tract for grazing purposes. Misuse of the easement by the public has caused a variety of issues for DNRC and the lessee. Despite frequent signage requesting users' stay on the designated road, users are driving randomly around the tract inhibiting the growth of grazing forage and causing noxious weed issues.

Since the easement was issued a lawsuit was filed in Montana's 5th Judicial District Court by Citizens for Balanced Use claiming there was historic use of the old Boulder to Elkhorn road that should be open for public travel. A Settlement Memorandum (District Court Case DV-11-31) was negotiated and signed by all parties in February of 2013. The Settlement required the parties to find a reasonable solution to the problem and report back to the Court. The relocation of this easement will be a part of that Settlement.

The easement will be relocated across the Northern border of the section and fenced to keep traffic restricted within the easement. Fencing will be constructed in a manner that will allow wildlife and livestock crossing but prohibit vehicle travel. In the Northeast corner of the section a one acre parking area will be constructed and used as a parking area to access US Forest Service trails.

I. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

The proposal to re-locate this easement was brought to the DNRC by the Jefferson County Commissioners in order to address the Settlement Memorandum issued by the Court. Multiple meetings, on-site and at the Jefferson County Courthouse were conducted with all stakeholders through the Spring, Summer and Fall of 2013. It has been agreed that re-locating the existing easement is the best solution to address all of the issues associated with the tract. The following groups have been involved in all phases.

Jefferson County Commissioners
Beaverhead - Deerlodge National Forest
Montana 4X4 Association
Citizens for Balanced Use
Montana State Representative Kerry White
Dave Rieder, Rieder Ranch, Neighbor
Current Lessee Ed McCauley, McCauley Ranches contacted and concerns addressed.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

There are no other permits needed or agencies with jurisdiction regarding the project.

3. ALTERNATIVES CONSIDERED:

- A) **Action** - Allow the easement to be realigned and allow the additional 1 acre parking area.
- B) **No Action** - Not allow realignment of the easement.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES* potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain **POTENTIAL IMPACTS AND MITIGATIONS** following each resource heading.
- Enter "NONE" If no impacts are identified or the resource is not present.

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

Soils are Sandy Clay Loam (Farnuf – Placerton).

Action - The easement has been surveyed to avoid excessive slopes and boulder outcroppings. Old easement will be reseeded.

No Action – Easement will remain in present location, unauthorized off-road vehicle traffic will continue on the State tract.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

McCarty Creek is located along the Northwest boundary of the State tract. There is an approximately 3 acre irrigation reservoir in the NW quarter of the tract. DNRC field evaluations have noted numerous unauthorized campfires here.

Action - The new easement will be fenced so that no traffic will be able to impact the creek. Access to the creek and the reservoir will be maintained by foot travel from the parking area.

No Action - Uncontrolled off-road travel will continue to occur including; unauthorized stream crossings and campfires ant the reservoir.

AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

Action - There will be no change of air quality.

No Action – There will be no change of air quality.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

Action - There will be short term disturbances during construction of the new easement. The new easement will be fenced on both sides preventing off-road travel over the State section and prevent damage to the tracts vegetation. The existing easement will be re-seeded with native grasses.

No Action – Uncontrolled off-road travel will continue to degrade the vegetation cover on the State Tract.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

Action - There is some winter grazing use by Elk and Deer. The new easement will be fenced so as to allow wildlife and livestock to migrate through but restrict off-road travel on the tract. Restricting off-road travel should improve habitat.

No Action - Uncontrolled off-road travel will continue to degrade habitat on the State Tract.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

The Montana Natural Heritage Program lists 5 species of concern;

- (1) Mammal – Wolverine – its habitat - Boreal Forest and alpine habitat does not exist at this location
 - (2) Birds – Veery, Pileated Woodpecker & Clark's Nutcracker. Re-location of the road will not impact any of their listed habitats.
 - (3) Fish – West Slope Cutthroat Trout – No stream crossings are being created. Fencing of the corridor will prevent vehicle access to McCarty Creek.
- Neither alternative will have any effect on these habitats.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

A Class I (literature review) level review was conducted by the DNRC staff archaeologist for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, and control cards. The Class I search results revealed that no cultural or paleontological resources have been identified in the APE on state land, and only a small portion has been inventoried to Class III standards.

Because the topographic setting and geology suggest a low to moderate likelihood of the presence of cultural or paleontologic resources, proposed road realignment work is expected to have *No Effect* to *Antiquities*. No additional archaeological investigative work will be conducted in response to this proposed development. However, if previously unknown cultural or paleontological materials are identified during project related activities, all work will cease until a professional assessment of such resources can be made.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

Action - Aesthetics will be improved as the easement will be fenced preventing off-road travel and further degradation of the tract.

No Action - Uncontrolled off-road travel will continue to degrade the State tract.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

Action - Relocating the easement and fencing the right-of-way will improve the environmental resources on the tract by restricting off-road vehicle traffic. All current uses of public lands will be maintained at current levels.

No Action - Uncontrolled off-road travel will continue to degrade the State tract.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

There are no additional studies, plans or projects being proposed in the area. There are no other environmental documents that affect the proposal.

IV. IMPACTS ON THE HUMAN POPULATION
<ul style="list-style-type: none">• <i>RESOURCES</i> potentially impacted are listed on the form, followed by common issues that would be considered.• Explain <i>POTENTIAL IMPACTS AND MITIGATIONS</i> following each resource heading.• Enter "NONE" If no impacts are identified or the resource is not present.

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

Neither alternative will have any effect on human health or safety issues.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

Action - The Section is leased for grazing by the DNRC. Re-alignment and fencing will prevent off-road travel, improve forage, and reduce the spread of noxious weeds. There are no other activities associated with the tract.

No Action - Uncontrolled off-road travel will continue to degrade the State tract.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

Neither alternative will have any effect on employment.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

Neither alternative will have any effect on Local, State or Federal taxes.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

Jefferson County has an easement for the County Road R/W in its current location. Re-location of the easement will not change the roads status as a County Road. As with the current easement, normal annual maintenance and weed control will be required.

Neither alternative will have any effect on Government Services.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

Action - The USFS has adopted a Travel Plan for their properties adjacent to the State tract. The re-alignment of the easement will allow vehicular traffic to connect with designated open roads across USFS lands. The one acre parking area in the NE corner of the State tract will allow hikers and horseman access to USFS trails.

No Action – Not allowing the re-alignment will require all parties to return to the Court and seek an alternative settlement.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

Action - The re-alignment will maintain access to all recreational opportunities now available and allow vehicular travel from Boulder to the Town of Elkhorn.

No Action - Not allowing the re-alignment will require all parties to return to the Court and seek an alternative settlement.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

This is a remote very sparsely populated area of the County. The State tract is surrounded by large agricultural oriented tracts and borders the Beaverhead – Deerlodge National Forest.

Neither alternative will have any effect on population or housing.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

The proposal is for re-locating an existing road. All current opportunities will continue as they now exist.

Neither alternative will have any effect on native or traditional lifestyles.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

Action - Re-location of the easement and restricting vehicle traffic to a single corridor should enhance the overall qualities of the State tract.

No Action – Widespread abuse of the State tract will continue.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

Action - This is a re-location of an existing easement for which the County has already paid. The County will pay for an additional 0.90 acres necessary to relocate the easement and include the one acre parking area. The re-location will generate

approximately \$630.00 to the Trust. Preventing off-road travel will prevent further degradation of the tract and improve its value.

No Action – Easement will remain in present location, unauthorized off-road vehicle traffic will continue on the State tract.

EA Checklist Prepared By:	Name: Gavin Anderson	Date: March 11, 2014
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V. FINDING

25. ALTERNATIVE SELECTED:

Alternative A

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

Re-location of the current easement and fencing the travel corridor is being proposed in order to alleviate current abuses of the State tract being caused by off-road travel. The re-location will allow vehicular travel from Boulder to the Town of Elkhorn satisfying the Settlement Memorandum issued by the District Court. Access to USFS trails will be continued from the proposed one acre parking area.

As proposed, the re-location will reduce current impacts and maintain opportunities for public use on public lands.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

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EIS

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More Detailed EA

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No Further Analysis

EA Checklist Approved By:	Name: Hoyt Richards
	Title: Area Manager, CLO
Signature: /s/	Date: 3/11/14